



PO Box 3380
Manuka ACT 2603
www.canberradogwalks.com.au
www.meetup.com/Canberra-Dog-Walks-Meetup/
Ph: 0414 231 399

Submission – Animal Welfare Legislation Amendments 2019

communityengagement@act.gov.au

Thank you for the opportunity to comment on the exposure draft of the *Animal Welfare Legislation Amendment Bill 2019*.

I commend the ACT Government in bringing forward these amendments which will provide increased protections for both animals and the public in the ACT.

However, I strongly oppose the proposal to impose a limit on the number of dogs that can be in public place under the control of one person. I also have concerns about the current wording of the legislation relating to the rescuing of a distressed animal locked in a vehicle.

My reasons are detailed below.

New section 44(3A) – Dogs in public places must be controlled

I oppose the imposition of an arbitrary number of dogs that a person may have in their sole control in a public place.

I have considerable experience walking with, and observing people with, single and multiple dogs in public places (see section below *About Canberra Dog Walks*.)

Many people participating in *Canberra Dog Walks* events bring multiple dogs. We have regular participants who walk up to five dogs at one time because they are caring for other dogs on a short-term basis in addition to their own dogs.

I have not observed any higher rate of loss of control or injury to people and animals due to a person walking multiple dogs. In fact, I have not observed any incidents caused by people walking multiple dogs. Of the very small number of incidents that have occurred during over 150 walk events, for example, scuffles between dogs, dogs pulling people off balance, dogs pulling leads out of their walkers' hands, dogs jumping on other people, etc, all have involved people responsible for a single dog only.

The factors leading to people losing control of their (single) dog include: the dog's size and weight compared to the person's size and weight; the dog's lack of training; the dog's lack of socialisation; the person's lack of understanding of dog behaviour; and/or the person's lack of responsible/reasonable behaviour in handling their dog.

People with multiple dogs, in contrast, tend to be more experienced with dogs overall; their dogs are better socialised and trained; and they are more experienced in predicting and avoiding potential incidents.

The Government has stated that the reason for imposing a three-dog limit is because 'there have been cases of loss of control and injuries to people and animals where a person has tried to walk more than three dogs, even small dogs'. However, no evidence has been provided to support this statement or any other information on the number or type of these incidents. In particular, no data are provided comparing these incidents with the number of incidents involving one or two dogs.

Certainly, an incident involving multiple dogs may be more memorable, but such a significant change to legislation impacting on so many people, should not be made without a sound basis on actual – demonstrable – evidence.

I agree there should be a legislative mechanism available to deal with people who do not have sufficient control of their dogs in public. But Section 44 of the *Domestic Animals Act* already provides this mechanism.

Section 44 requires that a dog must be under the 'effective control' of a person, so that a person can prevent the dog from approaching other animals or people. The term 'effective control' is clearly described and unambiguous. The requirement applies whether a person has one or multiple dogs. The onus is on a person to ensure that he/she can maintain effective control of any dog under their responsibility in a public place.

If the Government is prepared to follow-up on complaints and apply penalties when there are breaches of the law, it should not need to penalise the vast majority of responsible dog owners/walkers by introducing an arbitrary limit on the number of dogs a person may walk.

The proposed new clauses would create unnecessary hardship for many people, such as those who:

- care for neighbours'/friends'/relatives' dogs from time-to-time in addition to their own;
- have a multiple dog licence;
- operate a dog walking business;
- operate a dog minding business from their own home; or
- are visiting from interstate with multiple dogs.

New Section 113 – Rescuing distressed animal in locked vehicle

As currently worded, the proposed text in new section 113 is ambiguous as to the meaning of 'distressed'.

A person could legitimately judge, under the proposed law, that a dog is 'distressed' because it is whining or barking or running around in a car. This could lead a person to forcibly enter a locked motor vehicle to release, for example, a dog that is whining just because it does not like being left alone. This should not justify a person breaking into a vehicle.

I understand that the Government's intention in proposing this new section is to protect a person from prosecution if they intervene in a situation where an animal is left in a hot car and is in physical risk of harm.

However, it is clear from comments made on social media (including on the *Canberra Dog Walks* Facebook page), that some people genuinely believe that a dog should not be left alone in a car under any circumstance. Some people are also not aware of the range of 'meaning' indicated by barking or whining.

I suggest that this ambiguity and risk of misinterpretation would be considerably reduced by inserting the word 'physically' to 113 (1) (a) as per below:

A person does not incur criminal or civil liability if, acting honestly and without recklessness, the person forcibly enters a locked motor vehicle, or assists another person to forcibly enter a locked motor vehicle, to release an animal in the motor vehicle which is apparently –

- (a) **physically** distressed, injured, or at risk of being injured; or*
- (b) in need of emergency veterinary assistance.*

About Canberra Dog Walks

I publish *Canberra Dog Walks*, a website providing free information about dog-friendly Canberra.

Around two and a half years ago, I also began offering guided dog-friendly walks on a not-for-profit basis through the Meetup platform. The guided walks are held nearly every weekend all over Canberra and are very popular – attracting between 30 and 70 walkers with their dogs each week.

Walkers include long-term Canberra locals wanting to socialise with other dog walkers; people new to Canberra keen to explore; and new dog owners seeking an opportunity to socialise their young or 'rescue' dogs in a supportive group.

I don't pretend to be an expert in dog control or dog behaviour. However, I have guided over 150 walks involving approximately 500 separate walkers and many more dogs. The dogs participating in the walks span the whole gamut of breed, size, temperament and training. The people participating represent all age groups and a wide range of dog handling expertise (or lack of). I have therefore observed many different people and their dogs in many different situations.

I am also a long time Canberra resident, a member of the ACT Companion Dog Club, a life time dog owner, and walk my own dogs twice daily all over Canberra.



Georgia Morris
Organiser
Canberra Dog Walks

25 January 2019